

EXHIBIT C

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 10-CIV-4622 (WHP)
5 -----x
6 KAREN SCOTT,
7 Plaintiff,
8 vs.
9 WPIX, INC.,
10 Defendant.
11 -----x
12
13 March 2, 2011
14 9:28 a.m.
15
16 Videotaped Deposition of BETTY ELLEN
17 BERLAMINO, held at the offices of Haynes and
18 Boone, LLP, 30 Rockefeller Plaza, New York, New
19 York, before Francine Sky, a Notary Public of the
20 State of New York.
21
22
23
24
25

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1 Betty Ellen Berlamino
2 A. Vice President and Station Manager.
3 Q. Could you just explain for me the
4 difference between being a Station Manager and
5 the General Manager?
6 A. Yes. The Station Manager reports to
7 the General Manager, and the General Manager
8 reports to a person in Corporate.
9 Q. In terms of duties and
10 responsibilities, is there a difference between
11 what the Station Manager does and the General
12 Manager?
13 A. Yes. Ultimately, the General
14 Manager of a television station would be
15 responsible for the profit and loss statement
16 of the Company, and any other aspects to do
17 with day-to-day business of the Business Unit.
18 Q. And what about the Station Manager?
19 A. Station Manager, if the station has
20 that position, it would be that -- the duties of
21 the General Manager assigns to the Station
22 Manager.
23 Q. So there's no defined role for the
24 Station Manager, it's whatever the General
25 Manager wants to hand off?

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1
2 Betty Ellen Berlamino
3 A. No.
4 Q. Are you currently employed?
5 A. No.
6 Q. What was your last form of
employment?
7 A. My last form of employment? I don't
8 understand the question.
9 Q. Where were you last employed?
10 A. WPIX.
11 Q. And what was the period of
employment at WPIX?
12 A. At WPIX, it was October 1994 to
13 June 7, 2010.
14 Q. As of the time you left WPIX in June
15 of 2010, what was your position with the
16 Company?
17 A. I was the President and General
18 Manager.
19 Q. How long did you hold the position
20 of President and General Manager?
21 A. Approximately 9-1/2 years, from
22 December 2000 to June 7, 2010.
23 Q. Prior to December of 2000, what
24 position did you hold at WPIX?
25

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1 Betty Ellen Berlamino
2 A. I was responsible for the profit
3 and loss statement of the television station,
4 all the department heads, and the overall just
5 day-to-day operations of the Business Unit.
6 Q. How many different department heads
7 were there during the time that you were the
8 General Manager?
9 I don't mean individuals, I mean
10 different departments that you oversaw.
11 A. You're looking for a number?
12 Q. Well, the number and the name of the
13 departments you oversaw as General Manager.
14 A. So that's two separate questions.
15 You're looking for the departments and the
16 department heads?
17 Q. Correct. Let's start with the
18 departments. Which departments did you oversee
19 as the General Manager?
20 A. Sales, Research, Traffic, Finance,
21 News, Local Production and Community Affairs,
22 HR, Creative Services.
23 Q. Did each of these departments have a
24 department head?
25 A. Yes.

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1 Betty Ellen Berlamino
 2 Q. Did each department head report
 3 directly to you?
 4 A. Yes.
 5 Q. As the General Manager, did you
 6 have any involvement with programming for the
 7 Station?
 8 MR. CERASIA: Objection to form.
 9 You can answer.
 10 A. Well, "involvement," could you
 11 define that?
 12 Q. Sure. WPIX is a television station;
 13 correct?
 14 A. A-ha.
 15 Q. That television station provides
 16 programming that's broadcast to viewers in the
 17 metropolitan area; correct?
 18 A. Correct.
 19 Q. So I assume that television station
 20 has to decide what goes on the air 24 hours a
 21 day; correct?
 22 A. That is not entirely correct. There
 23 are some shows that are dictated by the Network,
 24 where we just take those as fees.
 25 There are other programs that are

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1 Betty Ellen Berlamino
 2 decided by a Corporate Program Director, and are
 3 dictated to the various Business Units.
 4 And there are some individual shows
 5 that an individual station would purchase in
 6 consultation with the Corporate Program
 7 Director.
 8 Q. Great. That's exactly what I'm
 9 getting at. What involvement did you have with
 10 the selection of programming for the Station?
 11 That's where we're headed toward, okay.
 12 Do you understand that?
 13 A. I do understand that.
 14 Q. What involvement did you have in
 15 selecting programming for the Station?
 16 A. I was asked an opinion about
 17 certain shows and, ultimately, the Group
 18 Program Head would make decisions on behalf of
 19 the Tribune Television Station Group.
 20 Q. What was the relationship between
 21 Tribune and WPIX, if you know, between December
 22 2000 and June 2010?
 23 A. I don't understand the question.
 24 Q. You've indicated that the Tribune,
 25 the Group Program Head of the Tribune made

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1 Betty Ellen Berlamino
 2 in?
 3 A. That's often dictated by the
 4 Syndicator. The Syndicator will often dictate
 5 windows, and if you contract to go into
 6 partnership with that particular show, you are
 7 obligated to run a show within those windows.
 8 Q. During the time you were General
 9 Manager, did you have discussions with the
 10 Group Program Head as to the decisions that
 11 were made by the Tribune where to slot certain
 12 shows?
 13 A. Yes.
 14 Q. Who was the Group Program Head
 15 between 2007 and 2009?
 16 A. Sean Compton.
 17 Q. Was there anybody at WPIX that was
 18 in charge of programming aside from yourself?
 19 MR. CERASIA: Objection to form.
 20 You can answer.
 21 A. No.
 22 Q. You indicated before that you were
 23 responsible for the P&L of the Station. I
 24 assume you mean profit and loss by P&L?
 25 A. Correct.

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1 Betty Ellen Berlamino
 2 Q. Were you also responsible for
 3 setting an annual budget for the Station?
 4 A. Yes. Was responsible for agreeing
 5 to an annual budget in consultation with
 6 Corporate, yes.
 7 Q. Just for clarification, when you use
 8 the term "Corporate," are you referring to
 9 Tribune Company?
 10 A. Yes.
 11 Q. Was there any position higher than
 12 General Manager at WPIX between December 2000
 13 and June 2010?
 14 A. No.
 15 Q. With regard to how WPIX was going
 16 to allocate its funds, who made that
 17 determination?
 18 A. What funds? I don't understand the
 19 term "funds."
 20 Q. I assume there was within the budget
 21 money that WPIX was going to spend during any
 22 annual period; correct?
 23 A. You're talking about expenses?
 24 Q. Correct. Among other things, but,
 25 yes.

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1 Betty Ellen Berlamino
 2 Q. Why wasn't Mr. Houseman hired as the
 3 General Manager?
 4 MR. CERASIA: Objection to form.
 5 You can answer.
 6 A. I think you said as General Manager.
 7 Q. I'm sorry.
 8 What was Mr. Houseman hired as, the
 9 News Director?
 10 MR. CERASIA: Same objection.
 11 You can answer.
 12 A. Steve Charlier wanted Bill Carey to
 13 be the News Director.
 14 Q. Did you believe Mr. Carey was more
 15 qualified to be the News Director than Karen
 16 Scott?
 17 MR. CERASIA: Objection to form.
 18 You can answer.
 19 A. I thought he was qualified, yes.
 20 Q. My question was: Do you believe he
 21 was more qualified to be the News Director than
 22 Karen Scott?
 23 MR. CERASIA: Same objection.
 24 A. I thought he was qualified.
 25 Q. I'm sorry, Ms. Berlamino, my

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1 Betty Ellen Berlamino
 2 You can answer.
 3 A. For what I was -- for what the
 4 Company wanted to do, and what I was asked to
 5 do, I thought he was more qualified to do what
 6 Corporate was asking of WPIX.
 7 Q. What was Corporate asking of WPIX?
 8 A. They wanted to differentiate the
 9 News, they wanted change, they wanted to become
 10 a more electronic News Department, if you will,
 11 meaning cover three screens and elevate the
 12 ratings of the newscast and, therefore, turn a
 13 negative P&L news statement into a profitable
 14 one.
 15 Q. If that was the goals that WPIX had
 16 in November 2009, why were you not in favor of
 17 hiring Mr. Carey?
 18 A. I thought that his -- I didn't -- I
 19 clashed with his personality, and I felt that I
 20 did not care for his management style.
 21 Q. During the period November 30, 2009,
 22 until June 7, 2010, did you run into any
 23 personality issues with Mr. Carey?
 24 A. Did I --
 25 Q. You personally.

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1 Betty Ellen Berlamino
 2 after the investigation had been completed?
 3 A. No.
 4 Q. Did you have any conversation with
 5 Mr. Charlier about Mr. Carey's position after
 6 the investigation was completed?
 7 A. Yes.
 8 Q. Tell me about the substance of that
 9 conversation.
 10 A. He asked me if I felt I could work
 11 with Bill Carey. I said, No. And he said he
 12 would need to report those findings. He agreed
 13 that we could not work together; that he would
 14 need to report that to Randy Michaels, and that
 15 Randy Michaels -- that they would have to make
 16 a decision then -- choose between myself and
 17 Bill Carey, and that probably everyone would be
 18 getting in a room to make that decision on
 19 that.
 20 He also said to me, What do you
 21 want me to do with him? Do you want me to put
 22 him back to Local TV? He said, Because they
 23 like him at Local TV. I said, Yes, I think that
 24 would be great. And he said, Well, that may not
 25 happen. You're putting the Company in a

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1 Betty Ellen Berlamino
 2 A. Yes.
 3 Q. Which employee or employees have
 4 pending matters against you?
 5 A. Sal Marchiano.
 6 Q. Who is representing you in that
 7 matter?
 8 A. Ed Cerasia.
 9 Q. Is WPIX paying the legal fees in
 10 connection with Mr. Cerasia's representation in
 11 the Marchiano lawsuit?
 12 A. Yes.
 13 Q. Between 2007 and the end of 2009,
 14 who did you report to?
 15 A. Sorry. Could you name the time
 16 frame again?
 17 Q. Let's deal with January 1, 2007,
 18 through the end of 2009, who did you report to?
 19 A. There were several different people
 20 during that time frame: John Riordan, Ed
 21 Wilson, Jerry Kirsten.
 22 Q. Were all of those individuals
 23 employees of the Tribune Company?
 24 A. Yes.
 25 Q. Do you know the positions they held

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1 Betty Ellen Berlamino
 2 capabilities during the time she served as News
 3 Director and you were General Manager?

4 MR. CERASIA: Objection to form.
 5 You can answer.

6 A. Well, I felt that Karen was a good
 7 worker. I thought that she took pride in her
 8 job. But I also felt that she did not handle
 9 personnel matters to the extent that I would
 10 have liked her to, and I felt that she didn't
 11 have the ability to get the news ratings to a
 12 point where we needed them to be, to make the
 13 Station -- to make the News, if you will,
 14 profitable.

15 Q. What was your opinion of her
 16 management style?

17 A. I think that at times it was lax.

18 Q. In your opinion, how did it compare
 19 to Mr. Carey's management style?

20 MR. CERASIA: Objection to form.

21 You can answer.

22 A. I would say they -- they each had
 23 different strengths and weaknesses.

24 Q. What were Ms. Scott's strengths and
 25 weaknesses?

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1 Betty Ellen Berlamino
 2 A. I think that Karen was -- treated
 3 people more respectfully. And I think her
 4 weaknesses were an inability to assess people's
 5 abilities, and make the necessary changes in
 6 order to put the right people in the right
 7 places, in the right positions, in order to
 8 elevate the ratings of the News, and turn the
 9 News into a profitable entity at WPIX.

10 Q. During the time that Ms. Scott was
 11 News Director and you were the General Manager,
 12 did you ever ask that she be investigated for
 13 anything that was occurring?

14 A. Yes.

15 Q. And when was that?

16 A. Define -- before I answer that,
 17 define "investigated."

18 Q. You indicated before that you made a
 19 request for an investigation of Mr. Carey in
 20 2010; correct?

21 A. I presented the information that was
 22 given to me by the employees to Tribune
 23 Corporate, yes.

24 Q. Was there any similar circumstance
 25 that occurred with respect to Ms. Scott during

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1 Page 47
 2 Betty Ellen Berlamino
 3 MR. CERASIA: Objection to form.
 4 A. Please define "any aspect" -- an
 5 investigation, your definition of the word
 6 "investigation," I want to make sure I answer
 7 the question correctly.

8 Q. I'm using your definition of
 9 investigation. You indicated, again, that you
 10 asked that certain allegations that were raised
 11 against Mr. Carey be investigated.

12 Was there ever a situation where
 13 Ms. Scott's conduct was investigated, aside from
 14 that instance that you just mentioned?

15 MR. CERASIA: Objection to form.
 16 You can answer.

17 A. Conduct? You're asking of conduct?

18 Q. Correct.

19 A. Specifically conduct?

20 Q. Correct.

21 A. There were instances -- there were
 22 specific instances that we looked into things
 23 that happened.

24 Q. Can you tell me what instances you
 25 are referring to?

26 A. There was an issue with the time

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1 Betty Ellen Berlamino
 2 the Executive Producer of the Morning Show and
 3 one of the on-air talents, and both parties had
 4 said they had gone to Karen with their
 5 complaints and with their issues, and that they
 6 had not been resolved by Karen, so they were
 7 elevating their comments and complaints to HR
 8 and to myself.

9 Q. Are you referring to Emily Francis
 10 and Amy Growick?

11 A. Yes.

12 Q. Any other instances?

13 A. To the best of my recollection, I
 14 can't think of any at this time.

15 Q. Do you believe that Ms. Scott was
 16 an honest person during the time that you were
 17 General Manager and she was the News Director?

18 A. At the time, or do I believe that
 19 now?

20 Q. At the time. During the time
 21 period that you were General Manager and
 22 Ms. Scott was the News Director, did you believe
 23 her to be an honest person?

24 A. I did at the time.

25 Q. Did you believe her to be dedicated

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1 Betty Ellen Berlamino
 2 to her job?
 3 A. Yes.
 4 Q. As the News Director, what were
 5 Ms. Scott's duties and responsibilities?
 6 A. To produce the highest ratings
 7 possible, and to make the News profitable.
 8 Q. In your opinion, it was Ms. Scott's
 9 responsibility to provide the highest ratings
 10 possible?
 11 A. That was a large aspect of the
 12 position, yes.
 13 Q. Was that also part of your
 14 responsibility, to endeavor to make the ratings
 15 for the News as high as possible?
 16 A. Yes.
 17 Q. In connection with that, to provide
 18 whatever assistance was reasonable to increase
 19 the ratings for the News?
 20 A. From whatever we could collectively
 21 do to increase the ratings of the News, yes.
 22 Q. Who had the authority to hire and
 23 fire personnel for the News Division during the
 24 time period January 1, 2000, through August of
 25 2009?

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1 Betty Ellen Berlamino
 2 MR. CERASIA: Objection to form.
 3 You can answer.
 4 A. Karen.
 5 Q. Could she do that without your
 6 approval?
 7 A. No; we would consult on personnel
 8 issues.
 9 Q. If Ms. Scott wanted to hire someone
 10 and you did not, who got the ultimate vote on
 11 that?
 12 MR. CERASIA: Objection to form.
 13 A. Karen.
 14 Q. Karen had the power to hire
 15 somebody you were not in favor of?
 16 A. I would voice my objection to
 17 Karen, I would listen to what she said. If
 18 what she said made more sense, then we would go
 19 with her hire.
 20 Q. Could she hire somebody without your
 21 approval?
 22 A. Depends what position.
 23 Q. Well, what positions did she need
 24 your approval for in order to hire someone?
 25 A. Anyone that had a contract, it had

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1 Betty Ellen Berlamino
 2 to be signed by myself, as well as Karen.
 3 Q. What level of personnel in the News
 4 Division had contracts?
 5 A. The on-air --
 6 MR. CERASIA: Objection to form.
 7 A. I'm sorry, what was the question?
 8 MR. CERASIA: You mean individual
 9 contracts? There was unions there.
 10 MR. RUBINSTEIN: I'm sorry. That's
 11 a good clarification.
 12 Q. What level of employee in the News
 13 Division had personal contracts?
 14 A. What level?
 15 Q. Well, Mr. Cerasia rightfully made
 16 an objection saying, there's union contracts.
 17 I'm not talking about the union contracts, I'm
 18 talking about which people within the News
 19 Division had personal contracts with WPIX?
 20 A. On-air talent, a Director had a
 21 contract, and an Executive Producer had a
 22 contract.
 23 Q. Between 2007 and 2009,
 24 approximately how many employees were there
 25 within the News Division?

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1 Betty Ellen Berlamino
 2 A. Referring to FTs or FTEs?
 3 Q. FT is full-time, FTE is full-time
 4 equivalent, is that what you're referring to? I
 5 want to understand what you're using as the
 6 definition.
 7 A. There are two numbers, there are
 8 FTEs and there are FTs. Full-time employees
 9 would be actual people. FTEs would be any type
 10 of additional hours that are accounted for, and
 11 the way they're contracted as employee hours.
 12 So I want to answer your question correctly.
 13 Q. Well, where my focus is, the number
 14 of employees that Ms. Scott had supervisory
 15 authority over during the period 2007 to 2009.
 16 So however that played out in your mind, that's
 17 what I'm looking at.
 18 So, how many employees did Ms. Scott
 19 supervise between 2007 and 2009, approximately
 20 how many?
 21 A. To the best of my knowledge, it's
 22 probably around 120.
 23 Q. Does that include what you referred
 24 to before as FTs and FTEs?
 25 A. That would be FTs.

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1 Betty Ellen Berlamino
 2 A. I don't remember.
 3 Q. Was there anything memorable about
 4 the time that you saw her at the Station on a
 5 weekend, that one incident where there was a
 6 protest outside the Station?
 7 Did anything happen during that
 8 weekend that was memorable to you in terms of
 9 interaction with Karen?
 10 A. I don't remember.
 11 Q. Did you ever socialize outside the
 12 office with Karen?
 13 A. No.
 14 Q. At the time Karen was fired, which
 15 we can all agree was the end of August 2009,
 16 what programming was she responsible for?
 17 A. The morning newscast, the evening
 18 newscast, weekend newscast, and News Close-up.
 19 Q. So we're talking about the same
 20 things as we go forward today, the morning
 21 newscast ran from what hours in the morning, as
 22 of 2009?
 23 A. To the best of my knowledge, in 2009
 24 it was 4:30 to 9.
 25 Q. 4:30 a.m. to 9 a.m.?

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1 Betty Ellen Berlamino
 2 marketing of News programs?
 3 A. Yes. There were News topicals that
 4 were done. They were initially done by News,
 5 and then Karen had asked if Creative Services
 6 could take over the News topicals.
 7 She was consulted by Creative
 8 Services to have discussions about News promos.
 9 Q. What's a "News topical"?

10 A. A News topical is -- it's a spot
 11 that says what you will be broadcasting that
 12 evening in the newscast.
 13 Q. And that's marketed on air or off
 14 air?
 15 A. That is marketed on air.
 16 Q. So, for instance, during a show,
 17 during a baseball game they say, Coming up at
 18 10, Jim Watkins exposes XYZ, is that topical?
 19 A. That's one example of a topical.
 20 Q. Did Karen have any involvement with
 21 outside marketing for the News programs?
 22 A. She was consulted with Creative on
 23 outside marketing.
 24 Q. Did she have any involvement with
 25 dollars that were spent on promotional efforts

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1 Betty Ellen Berlamino
 2 A. Yes.
 3 Q. That was working with the General
 4 Manager?
 5 A. At the time we had a Program
 6 Director.
 7 Q. Who was that?
 8 A. Julie O'Neil.
 9 Q. Was there a Program Director after
 10 you became General Manager?
 11 A. Yes.
 12 Q. Who was that?
 13 A. Julie O'Neil.
 14 Q. And for what period of time was
 15 Ms. O'Neil the Program Director?
 16 A. I don't recall the date that the
 17 position was eliminated by Corporate.
 18 Q. Was there a Program Director
 19 between 2007 and 2009?
 20 A. 2007 and 2009? There was a
 21 Corporate Program Director, Sean Compton, and
 22 there are two Regional Program Directors at
 23 Tribune Broadcasting, one for the East Coast
 24 stations and one for the West Coast stations.
 25 The one that was assigned to WPIX

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1 Betty Ellen Berlamino
 2 was Wendy Logdson.
 3 Q. Was there any WPIX employee that
 4 was a Program Director?
 5 A. A Program Director?
 6 Q. Right.
 7 A. No.
 8 Q. Who interfaced with Ms. Logdson
 9 from the Station, from WPIX?
 10 A. There were many people that
 11 interfaced with Wendy.
 12 Q. Was there one person that was sort
 13 of the supervisor or main person that you spoke
 14 with at WPIX regarding programming, again
 15 between 2007 and 2009?
 16 A. I'm sorry, was there anyone I spoke
 17 to?
 18 Q. You indicated that there were many
 19 people at WPIX that Ms. Logdson dealt with.
 20 Was there one person within WPIX
 21 that you generally dealt with with regard to
 22 programming?
 23 A. My assistant did some scheduling.
 24 Q. Who is your assistant?
 25 A. It was Liz Esquirol.

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1 Betty Ellen Berlamino

2 (The record was read.)

3 A. Particularly in the last year, the
4 ratings for the News, both the morning and the
5 afternoon, in a four-book average had decreased
6 anywhere in the range of 20 to 40 percent.7 The News had a negative P&L, fully-
8 loaded News P&L of minus -- to the best of my
9 knowledge, \$3 million loss in 2008, and to the
10 best of my knowledge, approximately a \$7 million
11 loss in 2009, as a direct result of the ratings
12 slide.13 Q. Aside from the ratings and the
14 negative P&L, any other issues that you were
15 encountering or encountered with Karen's job
16 performance?17 A. Yes. There was a -- looking to
18 expand the News Department into the three
19 screens and just not concentrate on one screen,
20 so that involved a whole News Department kind
21 of shift of doing -- of the way that they -- the
22 way that they operated.23 Q. When you say, "three screens," what
24 are you referring to?

25 A. Three screens generally means your

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1 Betty Ellen Berlamino

2 Q. I'm sorry. Is there a different
3 time period you were talking about?4 A. I was looking at the full year,
5 what would be considered full year 2008, which
6 would be a November 2007 book to 2008.7 Q. You're saying in that time period
8 the ratings were down 20 to 40 percent?9 A. The ratings were down in both the
10 morning and the evening. To the best of my
11 knowledge, the range in the ratings loss was
12 somewhere between 20 and 40 percent.13 Q. Is that for all age ranges or just
14 specific age ranges?15 A. The primary demographic for News
16 would be 25 to 54. So the secondary demo would
17 be adults 18 to 49, and other than that, most of
18 the other demos are insignificant as it pertains
19 to News.

20 Q. Was that always the case?

21 A. Yes.

22 (Berlamino Exhibit 3, marked for
23 identification.)24 Q. Ms. Berlamino, this document is
25 marked as Berlamino 3 for identification. It's

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1 Betty Ellen Berlamino
2 the Tribune as to what was most important?
3 MR. CERASIA: Objection to form.
4 A. The opinion was -- the new Tribune,
5 the old Tribune?6 Q. Well, let's deal with 2008, that's
7 the time period you were just reflecting on.8 In 2008, what was the opinion of
9 the people you reported to at the Tribune as to
10 what was important to the News programming?11 A. Differentiating your product from
12 its competitors.13 Q. Do you recall being in a meeting
14 with Randy Michaels in 2008 where you said the
15 most important factor in ratings for News
16 programming was the lead-in programming?

17 A. No.

18 Q. Do you remember any comment ever
19 made by Mr. Michaels with respect to the
20 importance of lead-in programming to the News?

21 A. No.

22 Q. Do you remember any comment ever
23 made by Mr. Michaels as to the relative
24 importance of lead-in programming to the News?

25 A. No, I don't remember.

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1 Betty Ellen Berlamino
2 have Grey's Anatomy, it's irrelevant. That's
3 what was provided -- if you're an affiliate you
4 take the programming that you are provided.5 Q. Do you have any recollection as to
6 whether the ratings for the lead-in programming
7 to the News was better, worse, or about the same
8 after the change was made to The CW?

9 MR. CERASIA: Objection.

10 A. I don't recall what the ratings
11 were, but as I stated before, part of the
12 reason that WB ceased to exist is that as a
13 network their ratings and profits were down, and
14 they joined with CBS to form a new venture, The
15 CW.16 Q. You don't remember what, if any,
17 impact that had on the lead-in programming to
18 the News?

19 A. No, I don't remember.

20 Q. Was Steve Schussel responsible for
21 monitoring the ratings for the lead-in
22 programming for the News?23 A. Define "monitoring." Everyone
24 received ratings on a daily basis.

25 Q. From who?

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1 Betty Ellen Berlamino
 2 Improvement Plan?
 3 A. I don't remember.
 4 Q. Did you ever prepare a Performance
 5 Improvement Plan for Ms. Scott?
 6 A. I asked to.
 7 Q. You asked who to?
 8 A. Steve Charlier.
 9 Q. When was that?
 10 A. That was before the decision was
 11 made to make a change. My suggestion to Steve
 12 Charlier was that Karen be put on a Performance
 13 Improvement Plan. He had said, no, he didn't
 14 think that was necessary, given what her
 15 position was, but had suggested that I call
 16 Myrna Ramirez and have that conversation with
 17 her, which I did.
 18 Q. And when was that?
 19 A. To the best of my knowledge, that
 20 was in July -- sometime in July 2009.
 21 Q. Was a Performance Improvement Plan
 22 ever drafted for Ms. Scott?
 23 A. No. I was told that it wasn't
 24 necessary.
 25 Q. By Mr. Charlier?

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1 Betty Ellen Berlamino
 2 Q. On what occasions did Human
 3 Resources from the Tribune get involved with
 4 WPIX personnel matters?
 5 A. If it was on a high level, if it
 6 was on a department head level. Sometimes on a
 7 talent, on a talent level.
 8 Q. You indicated that you asked
 9 Mr. Charlier to do a Performance Improvement
 10 Plan for Karen, and he responded, it was not
 11 necessary.
 12 Was that a phone conversation,
 13 in-person meeting, e-mail?
 14 A. That was an in-person meeting. My
 15 suggestion was I didn't want to do what they
 16 had asked me to do, and I said that -- how I
 17 would like to handle the situation was to put
 18 Karen on a Performance Improvement Plan.
 19 That was an in-person meeting we had
 20 at a restaurant across from WPIX, and, once
 21 again, to reiterate what I said. He said, No, it
 22 wasn't necessary at that level. But that I
 23 should go back to the Station and I should call
 24 Myrna in Corporate HR to get her input.
 25 Q. Were there any e-mails that you sent

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1 Betty Ellen Berlamino
 2 A F T E R N O O N S E S S I O N
 3 (Time noted: 1:32 p.m.)
 4
 5 B E T T Y E L L E N B E R L A M I N O ,
 6 resumed and testified as follows:
 7
 8 EXAMINATION (Cont'd.)
 9 BY MR. RUBINSTEIN:
 10 THE VIDEOGRAPHER: We're back on
 11 the record. The time is 1:32 p.m.
 12 This is the beginning of Disk 3.
 13 Q. Good afternoon. May I remind you
 14 you're still under oath?
 15 A. Yes.
 16 Q. Did you place any importance on the
 17 receipt of awards for WPIX?
 18 MR. CERASIA: Objection to form.
 19 A. They're certainly nice to have, but
 20 at the end of the day, ratings are what really
 21 matter.
 22 Q. Putting aside ratings, did you
 23 consider awards to be important to the Station?
 24 MR. CERASIA: Objection to form.
 25 A. Like I said, I think they're nice

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1 Betty Ellen Berlamino
 2 to have, but the most important thing are the
 3 ratings.
 4 Q. Did any awards have more
 5 significance than others, in your mind?
 6 A. No, not necessarily. Ratings are
 7 what advertisers base the rates on.
 8 Q. With respect to awards during the
 9 time that Ms. Scott was News Director, how did
 10 WPIX fare compared to its competitors?
 11 A. What specific awards are you
 12 referring to?
 13 Q. Let me ask you: What awards did you
 14 consider to be important?
 15 A. Like I said, awards are nice to
 16 have, but the most important thing are the
 17 ratings.
 18 Q. So did you have -- did you place any
 19 significance on awards that were received by
 20 WPIX?
 21 A. They're great to have.
 22 Q. And in terms of the number of
 23 awards received during the time that Ms. Scott
 24 was a News Director, how did that compare to
 25 WPIX's competitors?

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1 Betty Ellen Berlamino
 2 the News Division in getting nominated for
 3 awards?
 4 A. Those were submitted by the News
 5 Department. They would assess what they felt
 6 were their best shows, and they would -- and
 7 they would submit them for nomination. It was
 8 their selection process.
 9 Q. Did you have any involvement?
 10 A. In the selection process? No.
 11 Q. Did you have any involvement in the
 12 submission process?
 13 A. In the submission process? No. I
 14 mean, just the budget.
 15 Q. Did you care if the News Division
 16 received awards?
 17 A. Yes.
 18 Q. Why?
 19 A. Once again, the awards are nice to
 20 have. But at the end of the day, it's ratings
 21 that are the important attribute in a News...
 22 Q. Why were the awards nice to have?
 23 A. Why not? It's -- I think awards
 24 are nice to have. Like I said, at the end of
 25 the day, not only in the News business, but in

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1 Betty Ellen Berlamino
 2 two pages were identical.
 3 Q. So we'll try again. Ms. Berlamino,
 4 you should have in front of you a document
 5 marked as Berlamino 6, which is WPIX 468 and
 6 469.
 7 Is that what you have?
 8 A. Yes.
 9 Q. And it's what appears to be
 10 Ms. Scott's compensation for 2007, 2008 and
 11 2009, a summary.
 12 Do you see that?
 13 A. Yes.
 14 Q. Please turn to the page that has
 15 2008 on it. On that page there's a line item
 16 indicating "Management Incentive pay \$75,000."
 17 Do you see that?
 18 A. Yes.
 19 Q. And was that paid to Ms. Scott based
 20 on your recommendation?
 21 A. Yes. But that would be paid for --
 22 that would be paid -- that was for the previous
 23 year's performance.
 24 Any MIP that shows up in 2008 will
 25 be for the previous year's performance. And

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1 Betty Ellen Berlamino
 2 that would indicate that she had been eligible
 3 for a bonus up to \$100,000, which is 40 percent
 4 of her salary, and she received 75.
 5 Q. That's my next question. How do you
 6 know what the eligibility is for the MIP, the
 7 total eligibility?
 8 A. 40 percent of base salary.
 9 Q. And she received 75,000?
 10 A. Correct.
 11 Q. Was that the same for every year,
 12 the eligibility, the MIP was always 40 percent
 13 of base salary?
 14 A. Yes.
 15 Q. Do you know when the MIP was paid,
 16 what month?
 17 A. To the best of my knowledge,
 18 generally, in February of the following year.
 19 Q. When did you determine what an
 20 employee's MIP was going to be?
 21 A. Well, the year would be over, we
 22 would have to take a look at the numbers for
 23 the entire Station, and we would submit our
 24 final numbers to Corporate.
 25 They would then get back to us as

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1 Betty Ellen Berlamino
 2 Q. Do you remember if it was in early
 3 July or late July?
 4 A. I do not recall the exact date.
 5 Q. Who made the decision to terminate
 6 Ms. Scott?
 7 MR. CERASIA: Objection to form.
 8 A. Steve Charlier had for about a year
 9 expressed to me that he didn't believe that
 10 Karen was the appropriate person to do what
 11 needed to be done in the News to change the News
 12 around, to bring the News to profitability, to
 13 raise the ratings, and to create a News that was
 14 different.
 15 Every time he came to the Station he
 16 requested a meeting and specifically asked me:
 17 So, is Karen still the one? I was asked to
 18 defend her. I was asked to explain why I
 19 wanted to retain Karen, and I had asked -- I
 20 had stated that WOR would be moving their 10
 21 o'clock newscast to 11 o'clock, and that I
 22 wanted to wait for decisions to be made after
 23 that, because I felt that we might be able to
 24 make some gains there.
 25 One time in July, Steve came to the

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1 Betty Ellen Berlamino
 2 warning about her job security prior to that
 3 date?
 4 MR. CERASIA: Objection to form.
 5 A. I had a conversation with Karen in
 6 my office after WWOR had beat us in the November
 7 sweep, and I told her that if we didn't turn
 8 this situation around, that her job would be in
 9 jeopardy.
 10 And I told her that probably the
 11 probability of what would happen is she would go
 12 first and then I would go second.
 13 Q. When was that conversation?
 14 A. That was sometime after the
 15 November sweep was completed, so I don't
 16 remember that year what date the November sweep
 17 ended on, but it would be sometime during the
 18 last half of November and the beginning of
 19 December, after the sweep was over.
 20 Q. What year?
 21 A. That would be November 2008 book.
 22 Q. Did you document that conversation
 23 you had with Ms. Scott anywhere?
 24 A. I did. I wrote it up. I had a
 25 conversation with the HR Director that I had

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1 Betty Ellen Berlamino
 2 first time that we were in that position. That
 3 put us in a very detrimental position as far as
 4 rating losses, position and rank in the market.
 5 It put us in a very difficult position for the
 6 Sales Department to sell the News.
 7 The News had lost a large
 8 percentage of viewers, and like I said, lost to
 9 WWOR, where previously we had been the second-
 10 ranked newscast at 10 o'clock, and became
 11 three.
 12 Q. Just tell me about the meeting that
 13 you had with Ms. Scott that day. What did you
 14 say to her and what did she say to you?
 15 A. She told me that she understood. I
 16 said, Karen, this is serious. Bad performance.
 17 We need to get the ratings of the News up.
 18 We're now in a very, very tough position. We
 19 put the Sales Department in a tough position.
 20 I'm trying to recall exactly the
 21 conversation. And, basically, I told her that
 22 if we didn't change the numbers, if we didn't
 23 improve the numbers, that, you know, her job was
 24 in jeopardy.
 25 As I had previously stated, I told

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1 Betty Ellen Berlamino
 2 e-mail, phone call. To be in the position that
 3 we were in for November sweep -- the November
 4 sweep is an extremely important sweep in
 5 television and it sets advertising rates very
 6 often for the following year.
 7 This was very troubling and very
 8 dramatic, and it had to be handled.
 9 Q. And what week or weeks is the
 10 November sweep?
 11 A. It varies from year to year. I
 12 don't recall that year.
 13 Q. Is it in November?
 14 A. The November sweep is in November,
 15 yes.
 16 Q. Anything else about that meeting
 17 that you can recall? I will let you see this.
 18 I want to get your recollection right now.
 19 Anything else about that meeting that you can
 20 recall?
 21 A. Like said, I had the meeting, I
 22 documented it that day so as to remember it
 23 exactly as it happened.
 24 Now you're asking me, you know, a
 25 couple of years later to recall everything from

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1 Betty Ellen Berlamino
 2 that conversation. To the best of my knowledge,
 3 I'm giving you the best recollection I can give
 4 you. But I believe that it is documented in
 5 there, as it had taken place that day, which
 6 would be a better representation of the actual
 7 conversation.
 8 Q. And Jean Maye was in the office that
 9 day, as well; is that correct?
 10 MR. CERASIA: Objection to form.
 11 A. With myself and Karen?
 12 Q. No. After you had the meeting with
 13 Karen you went to Jean Maye's office and spoke
 14 to her; that's correct?
 15 A. Yes. Jean Maye told me to document
 16 the conversation and to write it up.
 17 Q. And this conversation with Jean Maye
 18 was in the offices?
 19 A. In her office.
 20 Q. Did Jean Maye work on weekends?
 21 A. No.
 22 Q. What were her usual hours?
 23 A. Her usual hours were probably 9 to
 24 6.
 25 Q. Anyone else you spoke to on that day

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1 Betty Ellen Berlamino
 2 about the meeting you had with Ms. Scott?
 3 A. Not to my recollection, no.
 4 MR. RUBINSTEIN: Mark this, please.
 5 (Berlamino Exhibit 7, marked for
 6 identification.)
 7 (Witness reviews document.)
 8 Q. Ms. Berlamino, I'm showing you a
 9 document that's been marked as No. 7 for
 10 identification. It's Bates stamped WPIX 173.
 11 It has your name on the top left-hand corner,
 12 and a handwritten date in the right-hand corner
 13 of 11-2-08.
 14 I ask as you take as much time as
 15 you need to read this document and let me know
 16 when you're finished.
 17 (Witness reviews document.)
 18 A. Yes.
 19 Q. Ready?
 20 A. Yes.
 21 Q. Who handwrote the date in the
 22 right-hand corner?
 23 A. I have no idea.
 24 Q. Is that your handwriting?
 25 A. That's what I'm trying to figure

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1 Betty Ellen Berlamino
 2 A. That's why I'm saying, I'm assuming
 3 it was the correct date. What I just said to
 4 you, if I had the wrong date on my watch or
 5 something then I wrote the wrong date.
 6 Q. So you're not sure if the meeting
 7 took place on November 2nd?
 8 A. I'm not sure if that was the date.
 9 At the time I wrote it, I probably thought that
 10 was the date. That perhaps it was November 1st.
 11 Q. That would have been a Saturday.
 12 A. I'm just saying, I could go back
 13 and look at a calendar, it might be in a
 14 calendar that I have that I had a meeting with
 15 her.
 16 Q. Well, this is not the only document
 17 where you put that you met with Karen Scott on
 18 November 2nd. It was in a submission to the
 19 Equal Employment Opportunity Commission, and I
 20 will show you other documents that you put
 21 that --
 22 MR. CERASIA: She didn't draft that
 23 Ken. I mean, come on.
 24 MR. RUBINSTEIN: I'll show her
 25 things that she drafted. I want to get the date

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1 Betty Ellen Berlamino
 2 Q. Did you make any corrections to it
 3 after the day that you drafted it?
 4 A. No. I just printed it and put it in
 5 my file in my desk.
 6 Q. Within the memo, Ms. Berlamino, it
 7 indicates on the second half of the second
 8 line: "I explained to her there was no room for
 9 excuses, and that in spite of the lead-in we
 10 expected to do a higher number."
 11 Do you see that?
 12 A. Yes.
 13 Q. What did you mean by "in spite of
 14 the lead-in"?

15 A. To the best of my recollection,
 16 Karen always voiced her concern about the lead-
 17 in, and the point here is that the lead-in
 18 could not be used as an excuse to not getting a
 19 higher rating.
 20 Q. What other items did Karen raise
 21 with you as to reasons why the ratings weren't
 22 as high as you would have liked them to be?
 23 A. In this meeting?
 24 Q. Either in this meeting or after this
 25 meeting.

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1 Betty Ellen Berlamino
 2 A. Could you repeat the question?
 3 Q. Sure. Were there any reasons --
 4 strike that.
 5 When you had meetings with Karen to
 6 discuss ratings, were there any reasons that
 7 Karen gave you as to why she thought the
 8 ratings were not as you would have liked them to
 9 be?
 10 A. Yes. I felt that she did give me
 11 excuses for that.
 12 Q. And what were they?
 13 A. Well, she did talk about the lead-
 14 in, which, of course, is not a factor in the
 15 morning. That would be a factor at 10 o'clock,
 16 it wouldn't be a factor in the morning News.
 17 She always pushed for more
 18 promotion, and I would say those were the two
 19 main factors that Karen always used as an
 20 excuse as to why the numbers weren't better.
 21 Q. And you disagreed with those factors
 22 as affecting the rating?
 23 A. You know, we worked at a CW
 24 station, previous to that a WB station, and
 25 previous to that an independent station. Those

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1 Betty Ellen Berlamino

2 A. The decision had been reached to
 3 terminate Karen, and we were -- before the
 4 meeting took place, the final meeting took
 5 place, Myrna was going to prepare a script for
 6 me to read in that meeting with Karen. I was
 7 to not veer from the script.

8 I was told a script would be
 9 prepared, and I was just to read from that
 10 script. So what I was preparing here was
 11 information to help her write that script.

12 Q. And the information that you sought
 13 to put in this document was information that
 14 you thought supported the decision to terminate
 15 Karen?

16 A. Well, as I had previously stated, my
 17 recommendation had been to put Karen on a
 18 Performance Improvement Plan, and Steve Charlier
 19 and Myrna had disagreed with that, and wanted to
 20 go forward with the termination.

21 Q. Right. My question was a little
 22 different.

23 The information that you were
 24 putting into this document was information that
 25 you believed supported the decision to terminate

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1 Betty Ellen Berlamino

2 Did you feel as of August 2009 that
 3 the issues you raised in November 2004 were not
 4 sufficiently addressed?

5 A. I'm sorry. Could you repeat the
 6 question?

7 Q. You refer in this document to an
 8 e-mail exchange or conversation between you and
 9 Karen from November of 2004.

10 As of August 2009, did you feel
 11 that the issues you addressed with Karen in
 12 November 2004 had not been addressed?

13 A. Let me read the paragraph, then.

14 Q. Absolutely.

15 (Witness reviews document.)

16 A. I think they were indicative of
 17 conversations that continued to take place. I
 18 believe they were indicative of Karen blaming
 19 Nielsen, or the ratings, indicative of me
 20 constantly asking, Do we have the right people
 21 putting the show together in front of and behind
 22 the camera?

23 I think they were continued
 24 conversations that seemed to -- or continued
 25 problems that seemed to come up year after year,

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1 Betty Ellen Berlamino

2 and I felt that it was indicative of the
 3 leadership that I was continually asking Karen
 4 to exhibit, and make hard choices and decisions
 5 to turn the News around.

6 Q. And you believe that continued
 7 between November 2004 until August of 2009?

8 A. On a continued basis, no. I think
 9 that there would be -- you know, sometimes
 10 things would get better, but at the end of the
 11 day, I thought we were still dealing with some
 12 of the basic issues and some of the basic
 13 problems that Karen would often blame, in my
 14 opinion, outside sources for lack of ratings,
 15 and that leadership was still needed to make
 16 tough decisions and getting the right people in
 17 front of and behind the camera.

18 I believe it was an ongoing
 19 management issue on her part.

20 Q. The next page, you refer to an
 21 e-mail, in the second full paragraph, of
 22 September 26, 2005, about getting Kaity and Jim
 23 into the field as another example of issues you
 24 had with Karen.

25 Do you see that?

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1 Betty Ellen Berlamino

2 that WWOR had beat us at 10 o'clock, outlining
 3 the fact that we had ratings declines of
 4 anywhere from 20 to 40 percent in some of the
 5 most recent books, and discussing a negative
 6 P&L, discussing the fact that the News was
 7 losing money, discussing the fact that I need
 8 Karen to take a hard look at the department and
 9 make important decisions in order to correct the
 10 situation.

11 Q. And you're saying some of those
 12 e-mails may not have made its way to this
 13 document?

14 A. I would say there are far more --
 15 there are a lot of e-mails, and not every single
 16 one was included.

17 Q. As you sit here today, do you know
 18 of any of e-mails during the three-year period
 19 of October 2005 to November 2008?

20 A. I don't remember.

21 Q. When you were assessing the ratings
 22 for the evening News, let's deal with 2007 to
 23 2009, what stations would you look at to say,
 24 These are our competitors?

25 A. All stations.

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1 Betty Ellen Berlamino

2 Q. What about with respect to
 3 promotional efforts, was this study used to
 4 make any changes in promotional efforts for the
 5 News?

6 A. This study was primarily used to
 7 take a look at talent and take a look at what
 8 people thought of the overall newscaster, what
 9 people were looking for in a 10 o'clock
 10 newscast.

11 Q. We talked a lot today about
 12 ratings. I just want to go into that a little
 13 bit.

14 When you say, "ratings," are you
 15 referring to the Nielsen ratings?

16 A. Yes.

17 Q. Just describe for me what your
 18 understanding of the Nielsen ratings is? What
 19 does it measure?

20 A. Viewership.

21 Q. What is your understanding as to how
 22 it measures viewership?

23 A. Recruits people from the market, and
 24 they recruit a representative sample of the
 25 market. They install meters in people's homes.

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1 Betty Ellen Berlamino

2 They ask them to push buttons as to what
 3 programs they are viewing.

4 The data goes into a mainframe
 5 computer in Dunedin, Florida, and then it is
 6 calibrated and calculated and sent out as a
 7 rating.

8 Q. Between 2007/2009, did you believe
 9 that the Nielsen ratings fairly reflected
 10 viewership of WPIX News programs?

11 MR. CERASIA: Objection to form.

12 A. Well, I don't know that Nielsen
 13 ratings were ever viewed by any television
 14 General Manager as accurate, whether it's 1980
 15 or 2009.

16 According to Nielsen, they have a
 17 representative sample of the market.

18 Q. My question is: In your opinion, do
 19 you believe --

20 A. Well, the --

21 Q. -- that the Nielsen ratings fairly
 22 reflect the viewership for the WPIX News
 23 programs between 2007 and 2009?

24 MR. CERASIA: Objection to form.

25 A. They reflect the viewership the same

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1 Betty Ellen Berlamino

2 way not only for WPIX, but for ABC and for Fox
 3 and NOR. Everyone is held to the same
 4 accountability.

5 Q. Were you ever of the opinion that
 6 the Nielsen ratings impacted WPIX more in a
 7 negative way than other stations?

8 A. I think it's impacted the change to
 9 -- the LPMs impacted how viewership gets
 10 measured, and every single television station in
 11 the market and any LPM market is held to the
 12 same standards. It's no different.

13 The Media Ratings Council has
 14 always accredited the New York market. So it's
 15 been an accredited market ever since numbers were
 16 measured.

17 Q. My question was a little bit
 18 different. It was based on how Nielsen conducts
 19 its research.

20 Do you believe that its ratings
 21 unfairly impacted WPIX versus WPIX's competitors?

22 A. I think it impacted all of us.

23 Q. The same way?

24 A. I think it impacted all of us, and
 25 all of us were looking for Nielsen to add more

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1 Betty Ellen Berlamino

2 meters into the market. That was something that
 3 did get accomplished in the market.

4 I think that every television
 5 station in this market felt that LPMs just
 6 impacted ratings in general.

7 Q. My question is: You, as the General
 8 Manager of WPIX, did you believe that the way
 9 Nielsen was conducting its ratings negatively
 10 impacted WPIX versus its competitors?

11 MR. CERASIA: Objection. Asked and
 12 answered.

13 A. We're all held to the same rating
 14 system.

15 Q. So you had no opinion?

16 A. I would like to have seen Nielsen do
 17 something differently.

18 Q. Like?

19 A. Once again, add more meters to the
 20 market. Therefore, that's why I organized the
 21 entire market, and we had a New York market
 22 meeting, and one of -- I presented the data at
 23 the meeting, and we asked them to add more
 24 meters to the market. We felt that would be
 25 more reflective, a better sample, and they

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1 Betty Ellen Berlamino
 2 they're conducting the ratings. If you read, it
 3 says we're displeased with the numbers.

4 Q. What does that mean to you?

5 A. The ratings, not the way they're
 6 being conducted. It says: We're unhappy with
 7 our ratings. I would hope that in his job he
 8 did that all the time the entire time he was
 9 employed.

10 Q. Why would Nielsen care if you are
 11 unhappy with the ratings?

12 A. They don't.

13 Q. I'm saying -- let me finish. Why
 14 would WPIX tell Nielsen that they're unhappy
 15 with the ratings?

16 Wouldn't the response be, So have
 17 better shows?

18 A. They don't care, but --

19 Q. Wasn't it true that Mr. Schussel
 20 was actually communicating to Nielsen over an
 21 extended period of time the Station's
 22 displeasure with how Nielsen was conducting the
 23 ratings?

24 MR. CERASIA: Objection.

25 A. This does not -- I'm trying to see

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1 Betty Ellen Berlamino
 2 e-mail?

3 A. This e-mail was referencing this new
 4 study.

5 MR. CERASIA: Let the record
 6 reflect she's pointing to Exhibit 11.

7 A. Exhibit 11. This new study, as we
 8 previously discussed, was conducted by Carolyn
 9 Gilbert and Lee Jacobs, to come to some
 10 conclusions about the 10 o'clock News. And I
 11 had issues with the way that they conducted
 12 this research.

13 I didn't think that the methodology
 14 was correct. I didn't think the sample size was
 15 good. And I thought the conclusions they drew
 16 from this were not based on accurate
 17 information.

18 Q. My question was: With respect to
 19 the second page you refer to layoffs and job
 20 eliminations over the past year. Why were you
 21 including that in this e-mail?

22 A. Anytime you do eliminations or you
 23 do contract non-renewals, as part of the due
 24 diligence in HR and at the station level you do
 25 an Adverse Impact Assessment, and this is

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1 Betty Ellen Berlamino
 2 standard operating procedure as an Adverse
 3 Impact Assessment.

4 Q. Did you do one when Karen Scott was
 5 terminated?

6 A. That was one person. But an Adverse
 7 Impact -- you do it when you have multiple
 8 layoffs. And as you probably know from
 9 employment law, when you do job eliminations, by
 10 law you have to give the persons being
 11 eliminated a list of and the ages of the people
 12 who are being eliminated.

13 This is just a continuation of an
 14 adverse impact analysis.

15 Q. Who's being eliminated in June of
 16 2009?

17 A. Well, I think you're missing -- I
 18 believe you're missing the actual point of the
 19 e-mail.

20 Q. No, I read the e-mail. I'm asking
 21 you --

22 MR. CERASIA: She's not finished.

23 Q. My question was: Who is being
 24 eliminated in June 2009?

25 A. The conclusion that they drew from

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1 Betty Ellen Berlamino
 2 this study was that Kaity Tong should not
 3 continue as the 10 o'clock News anchor based on
 4 the numbers that were produced in this 10
 5 o'clock News study.

6 And I was objecting to their use of
 7 this particular research to draw that conclusion
 8 because, once again, as I stated before, I did
 9 not think that this was an accurate News research
 10 study.

11 Q. Now I'm confused. So this is just
 12 referring to one person being eliminated,
 13 Ms. Tong?

14 A. I had pretty much lost in my ability
 15 to get them to listen to me and my
 16 recommendation. They had made a decision that
 17 they were going to make an anchor change at 10
 18 o'clock, and they were going to recruit a
 19 female 10 o'clock News anchor. I had urged
 20 them to do a new study. This is the new study
 21 that they produced, and I was told that when the
 22 new study was done, would I live with the
 23 conclusions of the new study. I had agreed with
 24 them that I would.

25 Once I looked at the methodology of

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1 Betty Ellen Berlamino
 2 the study, I couldn't abide by what I had told
 3 them because I didn't think it was fair. And I
 4 thought that they were drawing conclusions on
 5 bogus information.

6 They reminded me that I agreed to
 7 live by the terms of the new study, and in my
 8 final-ditch attempt to get them to not do that,
 9 because I felt it was not fair, I laid out, as
 10 an Adverse Impact Assessment, how this would
 11 figure into that.

12 Q. I thought you had mentioned before
 13 you did an adverse impact study when there was
 14 more than one person being let go.

15 So I'm clear, this just related to
 16 possibly letting go Kaity Tong?

17 A. A-ha. Yes.

18 Q. All of these other people were
 19 already fired, correct, or job eliminations --
 20 or slated for eliminations?

21 A. Yes.

22 Q. Did this lead you to requesting
 23 that Karen prepare a letter to Kaity about her
 24 job status?

25 MR. CERASIA: Objection to form.

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1 Betty Ellen Berlamino
 2 MR. RUBINSTEIN: I will take that
 3 objection and rephrase the question.

4 Q. Did the June new study lead you to
 5 direct Karen to write a letter to Kaity Tong
 6 regarding her job status?

7 A. Yes. At the request of Myrna
 8 Ramirez, Myrna Ramirez, as you will see from the
 9 document you handed me on the first page, I
 10 forwarded this to Myrna to try and get her help
 11 with the situation.

12 She told me she would then get
 13 involved and she, too, personally would speak to
 14 Ed Wilson, which she did. I got a phone call, I
 15 remember, the date on this is June 19th, from
 16 Myrna, who said, I spoke to Ed. He agreed that
 17 you don't have to let Kaity go at this point,
 18 Kaity is saved.

19 However, as part of that she will
 20 need -- Karen will need to prepare a document
 21 telling her that there was a survey -- there was
 22 a study conducted, that she didn't look
 23 favorable on that new study, and things she would
 24 need to do on an ongoing basis to improve her job
 25 performance.

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1 Betty Ellen Berlamino
 2 Q. What was Karen's response when you
 3 told her that she had to prepare the letter for
 4 Kaity Tong?

5 A. Well, before that I called up Karen,
 6 I was out on June 19th, I called her up from the
 7 road and I said, We did it, Kaity is saved. And
 8 then I told her that she had to prepare the --
 9 yes, that she had to prepare the letter.

10 She said, Fine, as long as we get to
 11 save her. I said, Myrna and Jean will work with
 12 you on the contents of the letter.

13 Q. Did Karen agree?

14 MS. JUBELIRER: I'm sorry to
 15 interrupt. I need to go.

16 MR. RUBINSTEIN: Have a safe trip.

17 Q. Did Karen agree that a letter was
 18 necessary?

19 A. She said she would do it if it saved
 20 Kaity.

21 Q. Did she agree that there was a
 22 necessity to send Kaity a letter about her job
 23 status and performance?

24 A. No. And neither did I.

25 Q. In this document in front of you

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1 Betty Ellen Berlamino
 2 operating cash flow.

3 Q. Did Ms. Scott's termination have
 4 anything to do with financial constraints of the
 5 Network?

6 MR. CERASIA: Objection to form.

7 A. Financial constraints of the
 8 Network? The CW Network?

9 Q. Was WPIX under any financial
 10 constraints in August of 2009?

11 A. Oh, you said, "the Network." Well...

12 Q. The Station.

13 A. Okay.

14 Q. Did Ms. Scott's termination in
 15 August 2009 have anything to do with the
 16 financial condition of WPIX?

17 MR. CERASIA: Objection to form.

18 A. Well -- if you look at the P&L of
 19 the News Department, it depends how you want to
 20 answer that question. If you're asking the
 21 question, Was the job eliminated and the
 22 dollars put to the bottom line? No. But did it
 23 have anything to do with we had experienced two
 24 negative cash flow years for the News? Yes.

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1 Betty Ellen Berlamino

2 That was a factor.

3 I guess I'm not understanding the
4 question.5 Q. What suggestions or proposals did
6 you make to improve the ratings to Ms. Scott?

7 MR. CERASIA: Objection to form.

8 Q. I'll rephrase it.

9 Did you ever make any proposals or
10 suggestions to Ms. Scott that you believed would
11 improve the ratings?12 A. I think we looked at some of those,
13 and one of the suggestions, I think, had been
14 getting the anchors out in the field some more.
15 At the time, Steve Charlier was very, very
16 involved, and asked us to look at all resources,
17 allocation of resources.18 Certainly, one of the conversations
19 we had several times was to treat the newsroom
20 with a three-screen approach. Get more content
21 into the Internet, into mobile, and Karen needed
22 to once again look at everyone in front and
23 behind the camera, make tough decisions,
24 reallocating resources where necessary, and do
25 what she needed to do to improve the ratings

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1 Betty Ellen Berlamino

2 through some other method?

3 MR. CERASIA: Objection. She
4 doesn't know if she got it from him.5 MR. RUBINSTEIN: That's a fair
6 point, Ed.7 Q. Would Mr. Charlier provide you with
8 News Priority Summaries with any frequency in
9 2009?10 A. Sometimes I would get them,
11 sometimes I wouldn't. Sometimes he communicated
12 directly with Karen.

13 Q. In this format?

14 A. That would be speculation.

15 Q. When did you first encounter issues
16 with Karen that you believe warranted her
17 termination?18 A. Well, as I stated previously, we
19 had a solid year of decreased ratings, two years
20 of negative cash flow, and I had -- was
21 continuing to have to defend Karen as the News
22 Director to Steve Charlier, and had run out of
23 what he deemed were acceptable excuses not to
24 make a change.

25 Q. And this was in July 2009?

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1 Betty Ellen Berlamino

2 Q. No, this is a different question.

3 A. Oh, okay. I don't recall answering
4 the first one.5 Q. Because you couldn't. But between
6 2007 and 2006 --

7 MR. CERASIA: Objection.

8 Q. -- did the ratings improve, stay the
9 same or decrease?10 A. Well, the most important number that
11 needs to be looked at to make a determination of
12 the end of employment would be the most -- the
13 latest ratings books.14 And the last four sweep book
15 average, and to the best of my knowledge, the
16 last four major sweeps prior to Karen being the
17 News Director, in both morning and evening News,
18 went down dramatically.19 Q. Ms. Berlamino, if Mr. Cerasia wants
20 to ask you questions when I'm done, he can ask
21 you all the questions he wants and get that
22 information from you. I'm just going to ask you
23 to answer my questions.24 My question was: Between 2006 and
25 did the ratings improve, stay the same, or

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1 Betty Ellen Berlamino

2 decrease?

3 A. I don't recall what the ratings were
4 from 2006 to 2007.5 Q. Between 2007 and 2008, did the
6 ratings improve, stay the same, or decrease?7 A. In a four-book average, to my
8 knowledge, the ratings decreased.9 Q. Are there any documents that were
10 created by WPIX that show year-over-year
11 ratings for the News Division? That's a yes or
12 no.13 A. That's just -- are there any
14 documents?15 Q. Created by WPIX that show year-over-
16 year ratings for the News Division?17 A. Well, they're done on a yearly
18 basis.

19 Q. So the answer is yes?

20 A. There should be.

21 Q. What were the titles or names of
22 those documents, or was there one?23 A. As part of the Operating Plan
24 process, numbers were produced.

25 Q. That would be within the Operating

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1 Betty Ellen Berlamino
 2 Plan?
 3 A. That's correct.
 4 Q. Who generated the information with
 5 respect to year-over-year ratings that went into
 6 the Operating Plan, which employee?
 7 A. Steve Schussel.
 8 Q. Ms. Berlamino, did Karen Scott's age
 9 play any factor in your decision to terminate
 10 her?
 11 A. No.
 12 MR. CERASIA: Objection to form.
 13 Q. What was the reaction of the WPIX
 14 staff when they found out that you terminated
 15 Ms. Scott?
 16 A. That's a little vague. There's over
 17 200 employees.
 18 Q. Were people, in general, happy, sad,
 19 upset?
 20 A. Once again, there were different
 21 reactions from different people. There were
 22 over 200 employees at the Station.
 23 Q. Why don't you tell me about the
 24 reactions that you know of?
 25 A. Some people were not shocked.

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1 Betty Ellen Berlamino
 2 Q. Tell me what you said to Karen
 3 during that meeting.
 4 A. As I said to you, there was a script
 5 that I was given.
 6 Q. Did you read from the script?
 7 A. I was told to read from the script.
 8 Q. Do you recall -- obviously, I don't
 9 have the script -- but do you recall what the
 10 script said?
 11 A. It was brief, I didn't agree with
 12 the script, I didn't want to read the script. I
 13 was told I had to.
 14 Q. Who gave you the script?
 15 A. Myrna Ramirez.
 16 MR. CERASIA: It was produced.
 17 MR. RUBINSTEIN: Do you know when?
 18 MR. CERASIA: No, but I looked at
 19 it with a Bates number in preparing for
 20 Ms. Scott's deposition.
 21 MR. RUBINSTEIN: Okay. I don't
 22 know I've seen it, but maybe you can identify it
 23 for me at some point.
 24 Q. Do you recall what you said,
 25 obviously, without seeing the script, do you

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1 Betty Ellen Berlamino
 2 recall in substance what you said?
 3 A. Like I said, the script exists. It
 4 was not something -- like I said, I didn't agree
 5 with preparing a script.
 6 I was allowed to make a couple of
 7 notes on the side, but once again, I was reminded
 8 to read from the script. I didn't agree with it,
 9 so I don't have the best recollection of what was
 10 put in there.
 11 Q. Was there any reason that you gave
 12 to Ms. Scott during that meeting as to why she
 13 was being terminated?
 14 A. It was in the script.
 15 Q. But you don't recall as you sit here
 16 today?
 17 A. To the best of my knowledge, the
 18 script talked about ratings declines -- I would
 19 have to go back and look at it. I read from the
 20 script as instructed.
 21 Q. After you read from the script did
 22 you stay in the room or did you leave?
 23 A. I was told that I was to read from
 24 the script and I was to exit the room.
 25 Q. Did Karen say anything to you after

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1 Betty Ellen Berlamino
 2 but they said they would do it.
 3 And I called Karen before I put out
 4 the notice that she was leaving. I wrote it, I
 5 called her up, I left a message. She didn't pick
 6 up the phone. So I went down to her office. I
 7 had sent her via e-mail what I was looking to
 8 read, and she said, you know, she didn't resign.
 9 She was fired. I said I understood that, I knew
 10 that. I thought it would be better if we
 11 positioned it this way.
 12 She said, Well, it's not accurate.
 13 I said, I understand. I said, Is it okay if we
 14 position it this way? She said, Fine. Just do
 15 whatever.
 16 Then I called her up when I got
 17 back to the office. I said, Are you ready,
 18 because I'm going to press "send" and put it out?
 19 Which I did.
 20 I did authorize a party for Karen,
 21 which I stopped by the party, and I think the
 22 thing I said to her was, There is life at
 23 Tribune. She said, I hope so.
 24 (Berlamino Exhibit 17, marked for
 25 identification.)

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1 Betty Ellen Berlamino
 2 of her separation were still being discussed.
 3 Q. When did you begin to seek a
 4 replacement for Ms. Scott?
 5 MR. CERASIA: Objection to form.
 6 A. After she left.
 7 Q. At any point before August 26, 2009,
 8 were you involved in a search for a News
 9 Director to replace Karen?
 10 A. No, I was not.
 11 Q. When did you first meet Bill Carey?
 12 A. I don't recall the date.
 13 Q. I believe you said he started in
 14 late November.
 15 Approximately how long before he was
 16 hired did you meet him?
 17 A. To the best of my knowledge, it was
 18 in October.
 19 Q. How were you informed that Mr. Carey
 20 was coming in to interview for the position as
 21 News Director?
 22 A. I was told that I needed to speak to
 23 him and to interview him.
 24 (Berlamino Exhibit 18, marked for
 25 identification.)

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1 Betty Ellen Berlamino
 2 dates, because we can always find out from
 3 documents, but to the best of your recollection,
 4 if you can give me answers, great. If you can't,
 5 say, I don't recall.
 6 Do you know when Larry Hoff left the
 7 employment of WPIX?
 8 A. The actual date?
 9 Q. Month or year. Doesn't have to be
 10 the exact date if you don't know.
 11 A. To the best of my knowledge, it was
 12 it was December 2009.
 13 Q. What was the reason why Mr. Hoff
 14 left WPIX?
 15 A. His position was eliminated.
 16 Q. What position did he hold?
 17 A. He was a -- he was a feature
 18 reporter that Karen used to call the daredevil
 19 reporter.
 20 Q. Was he let go because of a job
 21 elimination?
 22 A. Yes. And a reallocation of
 23 resources.
 24 Q. Were you in favor of letting
 25 Mr. Hoff go?

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1 Betty Ellen Berlamino
 2 A. Well, Karen and I had had
 3 discussions about --
 4 Q. I'm going to let you explain
 5 whatever you want to explain, I want a yes or
 6 no to the question first.
 7 Were you in favor of letting
 8 Mr. Hoff go in December of 2009?
 9 A. As a reallocation of resources and
 10 the fact that he said he didn't want to do
 11 Sports, yes.
 12 Q. You offered him another position --
 13 A. Karen and I had a discussion. I
 14 asked Karen -- we had discussions with Steve
 15 Charlier that the resources that were being put
 16 against Larry Hoff with a full-time producer
 17 and a satellite truck and a crew every day, just
 18 simply was too much for the Return on
 19 Investment, and we were being told to make the
 20 News in the morning more serious, and to get
 21 more -- to change the content of the morning
 22 News to get more real News, for lack of a better
 23 word.
 24 The conversation I had with Karen
 25 was, Is there anything else we can have Larry

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1 Betty Ellen Berlamino
 2 do? She said, Well he used to do Sports.
 3 I said, Oh, he used to do Sports?
 4 Would he want to do that again?
 5 She said, I don't know. Let me find
 6 out. She called me the next day and said, No,
 7 forget it, he can't do Sports. He does what he
 8 does. Let's just end his contract and put the
 9 money to the bottom line.
 10 Q. Did you ever make any comments about
 11 Mr. Hoff's age to Karen?
 12 A. No, I did not.
 13 Q. Did you ever make any comments about
 14 Mr. Hoff's age to any employees at WPIX?
 15 A. No, I did not.
 16 Q. Do you recall when Sal Marchiano
 17 left the employment of WPIX?
 18 A. I don't recall the exact date.
 19 Q. Do you know why Mr. Marchiano left
 20 the employment of WPIX?
 21 A. Because we didn't renew his
 22 contract.
 23 Q. What was the reason why you didn't
 24 renew his contract?
 25 A. Sal was on a series of short

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1 Betty Ellen Berlamino
 2 contract extensions because we had issues with
 3 his performance, and he was on a series of
 4 three-to-six-month contract extensions. And
 5 then when his contract ended there was several
 6 contributing factors, one of them being his
 7 performance for a live Mets pregame show at Shea
 8 Stadium that was very bad. A Jets pregame show
 9 that we did that was very, very bad.

10 And instead of just going with more
 11 short-term contract extensions for his last
 12 contract, when it was over, we made the decision
 13 not to renew.

14 Q. Who made the decision?

15 A. I had discussions with Karen
 16 regarding that decision.

17 Q. Who made the decision?

18 MR. CERASIA: Objection to form.

19 A. We made that decision together.

20 Q. Did you ever make any comments about
 21 Mr. Marchiano's age to Karen?

22 A. No, I did not.

23 Q. Did you ever tell Karen that
 24 Mr. Marchiano did not look good on the air?

25 A. I said, He looks unprepared. I

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1 Betty Ellen Berlamino
 2 said, He looks unprofessional. I said, He
 3 doesn't look like he gives a crap about his job,
 4 and he looks like he's phoning it in.

5 Q. Did you ever make any comments about
 6 Mr. Marchiano's age to any other employees at
 7 WPIX?

8 A. No, I did not.

9 Q. Is Marvin Scott still employed by
 10 WPIX?

11 A. Yes.

12 Q. What position does he hold?

13 A. He's a reporter.

14 Q. I'm sorry, I know you're not there
 15 anymore.

16 While you were there what position
 17 did Mr. Scott hold at WPIX in 2009?

18 A. Reporter. He also does News
 19 Close-Up, the public affairs show on Sunday
 20 mornings.

21 Q. In 2009, were there any changes
 22 made to Mr. Scott's duties and
 23 responsibilities?

24 MR. CERASIA: Objection to form.
 25 You can answer.

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1 Betty Ellen Berlamino
 2 A. He was put -- he had previously
 3 been on a Monday-through-Friday schedule, and
 4 his new work schedule included some weekend --
 5 included weekends.

6 Q. Why was that change made?

7 A. Because we needed to get the numbers
 8 up on the weekend. The dollars that we were
 9 going into the weekend News were extremely low.
 10 The ratings for the News on the weekend were
 11 extremely low.

12 We were continually using
 13 free-lancers and non-WPIX personnel on the
 14 weekends, and we needed somebody to adjust their
 15 schedule to the weekends. And I had
 16 conversations with Karen through the years about
 17 getting people on the weekends, and there was
 18 always a reason that she didn't want to adjust
 19 some people's schedules, whether because they
 20 had children and didn't want to work on the
 21 weekends, or whatnot.

22 But we needed to adjust someone's
 23 schedule to include weekend News.

24 Q. Was the shift for Mr. Scott from
 25 weekday to weekend reporting a demotion?

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1 Betty Ellen Berlamino

2 A. No. It's not weekend reporting. He
 3 was still reporting during the week. It was
 4 three days during the week and as well as on the
 5 weekend.

6 Q. So instead of five weekdays, it was
 7 three weekdays and two weekend days?

8 A. Yes. And that schedule, to my best
 9 recollection, was adjusted to four weekdays and
 10 one weekend.

11 Q. Was the shift in his schedule
 12 considered a demotion?

13 A. No.

14 Q. Did he ever express to you that he
 15 believed it was considered a demotion?

16 A. No, but Karen did.

17 Q. My question is Mr. Scott, did you
 18 have any conversation with Mr. Scott -- did you
 19 have any conversation with Mr. Scott about if
 20 he felt the shift in his duties was a demotion?

21 A. Not to my best recollection.

22 Q. Did you ever tell Karen that
 23 Mr. Scott should retire?

24 MR. CERASIA: Objection to form.

25 A. No, I didn't say those words.

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1 Betty Ellen Berlamino
 2 Q. Did you ever say words to the effect
 3 that Mr. Scott should retire?
 4 MR. CERASIA: Objection to form.
 5 You can answer.
 6 A. Should retire? No.
 7 Q. Did you ever say to Karen, in words
 8 or in substance, Why doesn't Mr. Scott retire
 9 already?
 10 MR. CERASIA: Objection to form.
 11 You can answer.
 12 A. That is part of a longer
 13 conversation that I had with Karen.
 14 Q. So please tell me the full
 15 conversation in which those words were
 16 expressed.
 17 A. Okay. We were renewing Marvin
 18 Scott's contract -- Marvin Scott's contract was
 19 coming up for renewal. The previous time that
 20 we had renewed Marvin Scott's contract, and I
 21 don't have any recollection whether it was a
 22 two-year or three-year renewal, Karen had said,
 23 This is the time, this is probably going to be
 24 the last contract renewal we have for Marvin,
 25 that contract went on, whatever.

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1 Betty Ellen Berlamino
 2 A. Because when you go on Twitter and
 3 you actually look, they have suggestions for you
 4 as to who to follow, and often I follow those
 5 people if they come up on suggestions. No other
 6 reason.
 7 Q. Were you involved in any employment
 8 decisions involving Mary Murphy in 2009?
 9 A. Yes.
 10 Q. What, if any, changes were made to
 11 Ms. Murphy's job status in 2009?
 12 A. She went from being a weekend anchor
 13 to an investigative reporter.
 14 Q. Was that move considered a demotion?
 15 A. Karen considered it a demotion.
 16 Q. Did you consider it a demotion?
 17 A. It was a change -- it was a change
 18 of direction.
 19 Q. Do you know if Ms. Murphy considered
 20 it a demotion?
 21 A. I would speculate -- I would have to
 22 speculate to answer that question.
 23 Q. Did you ever have any discussions
 24 with Ms. Murphy about whether she considered
 25 that move a demotion?

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1 Betty Ellen Berlamino
 2 A. No.
 3 Q. Why was she moved from an anchor
 4 slot to an investigative reporter?
 5 A. We were looking to improve the
 6 weekend News numbers. They were -- they were
 7 very bad. They were actually worse than the
 8 Monday through Friday numbers. News is sold as
 9 a full seven-day rotation, it's sold as Monday
 10 through Sunday, 10 to 11 p.m.
 11 Advertisers that were falling into
 12 the weekend News were complaining that their
 13 spots weren't delivering. It was causing us to
 14 have to give no-charge spots to advertisers if
 15 and when they fell on the weekend News.
 16 Sales was beginning to try and
 17 exclude the weekend News from a sales rotation,
 18 and we had to do something to try and fix the
 19 weekend News and get the ratings up.
 20 Karen and I discussed moving Mary
 21 from an anchor to a full-time investigative
 22 reporter.
 23 Q. Did you ever tell Ms. Scott that
 24 Ms. Murphy looked old and frumpy?
 25 A. I do not recall that conversation

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1 Betty Ellen Berlamino
 2 at all.
 3 Q. Did you ever make any age-related
 4 comments about Ms. Murphy to Ms. Scott?
 5 A. Absolutely not.
 6 Q. Did you ever make any age-related
 7 comments about Ms. Murphy to any other employees
 8 at WPIX?
 9 A. No.
 10 Q. Do you know what Janet Maslow's
 11 position was at the Station?
 12 A. She did the accounting. She was the
 13 Accounting Manager for News.
 14 Q. Do you know when her employment
 15 ended?
 16 A. I don't recall the date.
 17 Q. Why did her employment with WPIX
 18 end?
 19 A. Corporate came in, did an assessment
 20 of all the Tribune stations and the News
 21 Departments, and said that no other Tribune
 22 station had this position, and we needed to
 23 eliminate the position and move the duties into
 24 the Accounting Department.
 25 Q. Was anyone hired to replace

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1 BETTY ELLEN BERLAMINO

2 A. Do I have any documents? No.
 3 Q. Have you seen any documents to
 4 reflect that a meeting took place with
 5 Ms. Scott on December 2nd?

6 A. No documents, no.

7 Q. Have you seen any e-mails or
 8 anything to reflect that a meeting
 9 happened with Ms. Scott on December 2nd?

10 A. No. This is just a recap. If
 11 you look at the third line there, this is
 12 a recap of the November sweep. The
 13 November sweep, of course, is the most
 14 important sweep in television.

15 So this was the first time in
 16 my memory that we finished number 3 at
 17 10:00. So it was a meeting that took
 18 place after the November sweep, and after
 19 my two e-mails on the previous day of
 20 December 1st.

21 Q. I understand that.

22 My question was: Have you seen
 23 any documents, e-mails, notes, anything
 24 to reflect that a meeting happened
 25 between you and Ms. Scott on December

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1 BETTY ELLEN BERLAMINO

2 next few minutes?

3 MR. RUBINSTEIN: He needs to
 4 change the tape in five minutes,
 5 anyway. We are not that far from the
 6 finish line.

7 THE VIDEOGRAPHER: The time is
 8 11:33. This ends tape number 1. We
 9 are off the record.

10 (Off the record.)

11 THE VIDEOGRAPHER: The time is
 12 11:40. This is the start of tape
 13 number 2. We are on the record.

14 [The document, Bates stamped WPIX
 15 4720 through 4722, was hereby marked
 16 as Berlamino Exhibit 34 for
 17 identification, as of this date.]

18 BY MR. RUBINSTEIN:

19 Q. Ms. Berlamino, to your right is
 20 Exhibit 34 for identification. It's a
 21 three-page document with the Bates
 22 numbers WPIX 4720 through 4722.

23 The first page is an e-mail
 24 from Ms. Ramirez to you. The subject
 25 matter is First crack at a script for

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1 BETTY ELLEN BERLAMINO

2 Karen, and the date is August 24, 2009.

3 And the message that

4 Ms. Ramirez wrote to you is "Attached is
 5 a suggested script for Karen, a
 6 separation agreement, as well. I will
 7 send that later. Let's chat when you
 8 can. I am in Chicago."

9 And the back two pages appear
 10 to be a script. And the third page is a
 11 script with handwriting on it.

12 And my first question is: On
 13 the last page, is that your handwriting,
 14 as best as you can tell?

15 A. Yes.

16 Q. And is this the script that you
 17 talked about in your earlier deposition
 18 that you used in the meeting with Karen
 19 regarding her termination?

20 A. Yes.

21 Q. And I am sorry to be bothersome
 22 about this, but it's hard for me to read,
 23 based on the copy that we received, what
 24 your handwritten comments are on the left
 25 side. If you can just read that into the

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1 BETTY ELLEN BERLAMINO

2 daily Dr. Steve medical report in March."
 3 Fourth one says "Did not handle
 4 the situation."

5 I can't read the next four. I
 6 can read where it says "Amy, after
 7 people" and I can read "And felt it
 8 necessary to go to a higher level."

9 And then it says above the word
 10 "It," "No resolution."

11 Q. To the best of your
 12 recollection, is this a script that you
 13 used during your meeting with Karen on
 14 August 26th?

15 A. Yes.

16 Q. Including the handwritten
 17 comments on the left?

18 A. I was asked to cite some
 19 examples. And those were things that I
 20 wrote in the left-hand column.

21 Q. And were those the things that
 22 you told Karen in the meeting on August
 23 26th?

24 A. Yes.

25 [The document, Bates stamped

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